IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORIGINAL SIDE JURISDICTION

NOTICE OF MOTION NO. 2174 OF 2004
IN
SUIT NO. 2084 OF 2004

Balwanti Baijnath Yadav & Ors. .. Plaintiffs.
vs.
Shri Amarnath Baijnath Yadav & Ors. .. Defendants.

Mr. G.S. Bhat, Advocate for Plaintiff no.1.
Mr. S.R. Gupta, Advocate for Defendant no.2.
Mr. G.D. Upadhyay, i/b. Law for Defendant nos.1,3 & 4.

CORAM: D.G. DESHPANDE, J.
DATE : 22ND SEPTEMBER, 2004.

P.C. :-

1. Heard the Advocate for the Plaintiff and Defendants. The suit is for partition. The father of Defendant no.1 and the husband of Plaintiff died in the year 1996. There are two shops, namely, Shop no.19 and 20 of the family, i.e, of the father in which the Plaintiff and the Defendants have share as per law. According to the Defendant both the shops are in the possession of the Defendant. Therefore, it is necessary to appoint Court Receiver to protect the interest of all the parties concerned including the Plaintiff. Learned Counsel for

Plaintiff states that for each of these shops, they can get a customer who has agreed to pay Rs.8,000/- to Rs.9,000/- per month. Defendant no.1 has created interest in favour of Defendant no.4 in respect of Shop no.20. In the circumstances, there shall be Court Receiver in respect of Shop no.19 and 20. He will take formal possession of both the shops and point out as to what returns it will fetch to the maximum and thereafter may consider appointing Plaintiff as an agent of the Court Receiver, if the Plaintiff is ready to pay the maximum returns. Same thing will apply to Defendant no.4. also. Nothing remains in the motion. Court Receiver to act on true copy of this order.

. C.C. expedited.

Sd/-

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